

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:

DAVID COLLADO FERRER

XXX-XX-4244

DEBTOR (S)

CASE NO. 16-05746-EAG

CHAPTER 13

TRUSTEE'S MOTION FOR POST CONFIRMATION
MODIFICATION OF PLAN
(BASE INCREASE)

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

1. The plan dated Jun 05, 2017 (docket no.66) was confirmed/approved on June 26, 2017 (date of confirmation/approval).

2. After the confirmation / approval of the aforementioned plan, the Trustee received a payment in the amount of \$2,825.00. The source(s) of said payment comes from increased payments made consisitently in the amount of \$695.00 (instead of the proposed \$475.00) since August 2018.

3. The Confirmed plan did not included said income as an additional source of funds for the plan. However, it is the Trustee's position that the above described monies are disposable income that must be used to fund the plan [11 U.S.C §1306(a) and §1322(a)(1)].

4. The Chapter 13 Trustee, pursuant to §1329(a) respectfully requests this Honorable Court to approve the modification to the above mentioned Chapter 13 Plan, in order to:

- a. Include as an additional payment the above described amount received, increasing the plan base to \$31,724.00.
- b. All other plan's provisions as originally included remains the same.

5. The present Post-Confirmation Modification request of the plan meets all requirements of 11 USC §1329(a) and F.R.B.P. §3015(g).

WHEREFORE the Trustee respectfully requests this Honorable Court to grant the present motion and approve a Post-Confirmation Modification of the plan base, in order to include the additional payment received increasing the base to \$31,724.00.

NOTICE OF OPPORTUNITY TO OBJECT PURSUANT TO LBR9013-1(h) within twenty-one (21) days after service as evidence by the certificate of service below, and an additional three (3) days pursuant to Fed.R.Bank.P. 9006(f), if served by regular mail, any party in interest shall file and serve any objection or any other appropriate response to this plan with the Clerk's office of the US Bankruptcy Court of the District of PR. If NO objection or other response is filed within the time allowed herein, the plan will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: Pursuant to Bankruptcy Rule 2002 The Chapter 13 Trustee herewith certified that a copy of this motion has been served by regular US Mail on the same date it is filed to: the DEBTOR(s) and her/his/their attorney, to all Creditors, to their respective address of record as they appear in the Master Address List if not a registered CM/ECM System user. record.

In San Juan, Puerto Rico on Thursday, October 4, 2019.

/s/ Nannette Godreau

Staff Attorney

JOSE R. CARRION

CHAPTER 13 TRUSTEE

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16-05746-EAG

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

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